

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

OPTIMORPHIX, INC.,

Plaintiff,

v.

BROADCOM, INC.,

Defendant.

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Civil Action No. 5-23-cv-00134

JURY TRIAL DEMANDED

**[PROPOSED] ORDER GRANTING
DEFENDANT BROADCOM INC.'S MOTION TO DISMISS**

BEFORE THE COURT is Defendant Broadcom Inc.'s Motion to Dismiss (the "Motion"). The Court has considered the Motion, its supporting papers, and all briefing related thereto, and finds that the Motion should be and is hereby GRANTED.

IT IS THEREFORE ORDERED that the Complaint is dismissed for both improper venue under Fed. R. Civ. P. 12(b)(3) and insufficient service of process, under Fed. R. Civ. P. 12(b)(5), and the Court also dismisses OptiMorphix's claims of direct infringement, pre-suit willful infringement, and pre-suit indirect infringement for failure to state a claim upon which relief may be granted, under Fed. R. Civ. P. 12(b)(6).

SIGNED this _____ day of _____, 2024.

ROBERT W. SCHROEDER, III